

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**COMPREHENSIVE INDUSTRIAL DISABILITY
MANAGEMENT, INC.,**

Plaintiff,

v.

EFFECTIVE HEALTH SYSTEMS, INC., ET AL.,

Defendants.

Case No. 15-cv-00071-YGR

**ORDER DENYING MOTION OF COUNTER-
DEFENDANT COMPREHENSIVE INDUSTRIAL
DISABILITY MANAGEMENT, INC. TO
DISMISS COUNTERCLAIMS FOR FALSE
ADVERTISING AND MOTION TO STRIKE
PORTIONS OF PRAYER**

Re: Dkt. No. 28

The Motion of Counter-Defendant Comprehensive Industrial Disability Management, Inc. (“Comprehensive”) to Dismiss Counterclaims of Effective Health Systems, Inc., and James Schlueter (“Effective”) for False Advertising (Lanham Act and Cal. Bus. & Prof. § 17500) and Motion to Strike Portions of Prayer under Rule 12(f) (Dkt. No. 28) came on regularly for hearing on April 7, 2015.

The Court, having considered the pleadings, papers, and arguments of counsel at the hearing, and for the reasons stated on the record, **ORDERS** as follows:

The motion to dismiss the Lanham Act false advertising claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure is **DENIED**;

The motion to dismiss the Section 17500 false advertising claim and the Lanham Act false advertising claim for failure to allege fraud with the specificity required by Rule 9(b) is **DENIED**.

The motion to strike portions of the prayer for relief related to these claims is **DENIED**.

Comprehensive shall file its answer to Effective’s counterclaims within 7 (seven) days of this Order.

This order terminates Docket No. 28.

IT IS SO ORDERED.

Dated: April 7, 2015



**YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE**